

By Senator Greer:
Substitute for Senator Patterson's amendment:

"Provided, that this act shall not be construed to prohibit the issuance of passes or free transportation to persons in the employ of the railroad company issuing same."

Senator Miller made the point of order that similar amendments had previously been ruled out of order.

Sustained.

BILLS SIGNED.

The Chair signed, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 308, "An Act to amend Article 1731, of the Revised Civil Statutes of the State of Texas."

House bill No. 530, "An Act to amend Chapter 12, Title XVII, Revised Criminal Code of Procedure, so as to place Bowie county under the provisions of this chapter, relating to the recovery of stolen animals and the detection and punishment of thieves, and creating an emergency."

House bill No. 350, "An Act to require railway companies to receive and transport all freights coming to them from steamships, steamboats and other water craft and vessels, without discrimination for or against any other steamship line, steamboat line, owner or company, or the owner or owners of any other water craft or vessel."

House bill No. 710, "An Act to create a more efficient road system for Bell county, Texas, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing for the trimming of hedges by the owners of said land, and providing a penalty for failure to trim said hedges, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax payers on the public roads and relieving them from the performance of

43—Senate

said work by the payment of the sum of three dollars, and providing further, making this law cumulative of the general laws, and in case of a conflict this act to govern as to Bell county, Texas."

Resuming consideration of Senate bill No. 118, Senator Stafford offered the following amendment:

"Amend by adding after Section 1 the following: 'Provided, the provisions of this bill shall not apply to the halt, maimed, blind, insane, or public paupers.'"

Pending action, Senator Wayland moved that the Senate stand adjourned until 10 o'clock tomorrow.

Adjourned by the following vote:

Yeas—16.

Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Odell.
Hanger.	Ross.
James.	Stafford.
Kerr.	Stone.
Linn.	Wayland.
McGee.	Yett.

Nays—9.

Burns.	Potter.
Gough.	Sebastian.
Greer.	Terrell.
Grinnan.	Yantis.
Patterson.	

Absent.

Johnson.	Lloyd.
Lewis.	Neal.

Absent—Excused.

Turney.

SIXTY-FIFTH DAY.

Senate Chamber,

Austin, Tex., Wednesday, April 12, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	McGee.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Odell.
Goss.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Stone.
Johnson.	Terrell.
Kerr.	Wayland.
Lewis.	Yantis.
Linn.	

Absent.

Lloyd.
Neal.Turney.
Yett.

Prayer by the Chaplain, Rev. Dr. Den-
son.

Pending the reading of the Journal of
yesterday,

On motion of Senator Kerr, the same
was dispensed with.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 11, 1899.

*Hon. Jas. N. Browning, President of the
Senate.*

SIR: Your Committee on Public Lands
and Land Office, to whom was referred
Senate bill No. 313, being a bill to be
entitled "An Act to extend for twenty
years the payment of the principal of
the purchase money for lands purchased
under the act of the Legislature herein
named,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendation that it *do pass*.

POTTER, Chairman.

Committee Room,
Austin, Texas, April 11, 1899.

*Hon. Jas. N. Browning, President of the
Senate.*

SIR: Your Committee on Public Lands
and Land Office, to whom was referred
Senate bill No. 261, being a bill to be
entitled "An Act to provide for the re-
compilation of an abstract of the located,
titled and patented lands of the State of
Texas,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendation that it *do not pass*.

POTTER, Chairman.

Committee Room,
Austin, Texas, April 11, 1899.

*Hon. Jas. N. Browning, President of the
Senate.*

SIR: Your Committee on Public Lands
and Land Office, to whom was referred
Senate bill No. 316, being a bill to be
entitled "An Act to amend Article 4218y,
of Chapter 129, Acts of 1897, and pro-
viding for the sale of State school lands
in counties organized prior to January
1st, 1877, and repealing all laws and
parts of laws in conflict herewith, and
declaring an emergency,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendation that it *do pass*.

POTTER, Chairman.

Committee Room,
Austin, Texas, April 11, 1899.

*Hon. Jas. N. Browning, President of the
Senate.*

SIR: Your Committee on Public Lands
and Land Office, to whom was referred
Senate bill No. 288, being a bill to be
entitled "An Act granting to the city of
Austin a block of land within said city
for public free school purposes,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendation that it *do not pass*, for the
reason that the same subject matter is
contained in bill passed by the House.

POTTER, Chairman.

Committee Room,
Austin, Texas, April 11, 1899.

*Hon. Jas. N. Browning, President of the
Senate.*

SIR: Your Committee on Public Lands
and Land Office, to whom was referred
Senate bill No. 250, being a bill to be
entitled "An Act to quiet titles to lands
located and surveyed by virtue of land
certificates granted under the act of the
Legislature of the State of Texas, en-
titled 'An Act granting to persons who
have been permanently disabled by rea-
son of wounds received while in the ser-
vice of this State or the Confederate
States, a land certificate for twelve hun-
dred and eighty acres of land,' approved
April 9, 1881, and to validate such loca-
tion and surveys,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendation that it *do not pass*, for the
reason that the same subject matter is
covered by a bill passed by the House.

POTTER, Chairman.

Committee Room,
Austin, Texas, April 11, 1899.

*Hon. Jas. N. Browning, President of the
Senate.*

SIR: Your Committee on Public Lands
and Land Office, to whom was referred
House bill No. 452, being a bill to be
entitled "An Act to appropriate and set
apart to the public free school fund of
the State of Texas all the unappropriated
public domain of the State of Texas, in-
cluding the lands reserved and appro-
priated by the Act of July 14, 1879, and
to provide for the survey, lease, sale and
classification thereof, and the patenting
of homestead pre-emption surveys made
prior to May 23, 1898, and to repeal Ar-
ticles 4200, 4201, 4202, 4203, 4204, 4205,
4206 and 4207, Chapter 11, Title
LXXXVII, of the Revised Civil Statutes

of the State of Texas, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, with the attached amendments:

"Amend by striking out all after the word 'thereof,' in caption of bill, and insert the following:

"And the sales of school lands in counties organized prior to January 1st, 1877, and the patenting of homestead donations and pre-emption locations made prior to May 23rd, 1898, and to repeal Articles 4200, 4201, 4202, 4203, 4204, 4205, 4206 and 4207, Chapter 11, Title LXXXVII, of the Revised Civil Statutes of the State of Texas, and to provide for patenting lands sold under the provisions of said Chapter 11, Title LXXXVII, of the Revised Civil Statutes of Texas, and declaring an emergency.

"Be it enacted by the Legislature of the State of Texas:

"Section 1. That Articles 4200, 4201, 4202, 4203, 4204, 4205, 4206 and 4207, Chapter 11, Title LXXXVII, of the Revised Civil Statutes of the State of Texas be and they are hereby repealed.

"Sec. 2. That all of the public domain of the State of Texas, including the lands set apart and appropriated by the Act of July 14th, 1879, be and it is hereby appropriated to the permanent free school fund of the State of Texas, and shall be surveyed, sold, leased and classified in the manner hereinafter designated. The principal realized from the sale of said lands shall constitute a part of the permanent school fund of this State, and the interest shall constitute a part of the available school fund, as hereinafter provided.

"Sec. 3. All of the said lands are hereby placed on the market and classified as grazing lands, and shall be sold and leased by the Commissioner of the General Land Office, upon the terms, under the conditions, and in the manner, and at the price now, or that may hereafter be provided by law for the sale and lease of school lands already set apart and belonging to said fund; provided, that all detached and isolated lands in tracts of 640 acres or less, either heretofore or hereafter surveyed, may be sold without the condition of actual settlement; and provided further, that all school lands and all other lands, the sale of which is provided for by this act, situated in counties organized prior to January 1st, 1877 (except in the counties of Pecos, Presidio and El Paso), shall be sold at a price to be fixed by the Commissioner of the General Land Office, not less than one dollar per acre, and

without the condition of actual settlement.

"Sec. 4. Any person desiring to purchase any of the unsurveyed lands herein mentioned, and who may be entitled to purchase the same, shall first make application to the surveyor of the county or district in which the land is situated, designating the land he desires to have surveyed with a view to purchase, and it shall be the duty of said surveyor to file and record said application, and survey said land within ninety days of the filing of the application, and within thirty days of the date of said survey to certify to, record and plat the field notes of the same, and return them and the application to the General Land Office. The applicant shall pay to the surveyor one dollar for filing and recording said application, and shall pay such other fees as are now, or may be provided by law for surveying lands. The applicant for survey shall have the prior right from the filing of the application with the surveyor until thirty days after the return of the field notes to the General Land Office and no longer, in which to make his application to the Commissioner of the General Land Office to purchase said land, and to make the first payment to the State Treasurer.

"Sec. 5. Whenever any of the said lands have been surveyed under any former law and the field notes have been returned to the General Land Office, and are found correct, the applicant shall not be compelled to have the same surveyed, but the field notes on file in the General Land Office shall be adopted.

"Sec. 6. All homestead donations where application and file have been made with the surveyor, and all pre-emption locations which were surveyed prior to May 23rd, 1898, which would have been valid, but for the decision of the court in the case of Hogue vs. Baker (except where a prior application to purchase, and survey and payment of fees has been made as hereinafter provided for in Section 7 of this act), shall be reserved from sale; provided, however, that any applicant for said homestead donation of preemption, or his assignee, shall have the right, if he desires to do so, to purchase such preemption or homestead donation for one dollar per acre upon the terms and conditions now provided by law for the sale of school lands or for cash; provided, that proof of occupancy as required by the law under which he settled shall be all the proof of occupancy required; and in case three years occupancy has been completed or the purchase is for cash, no settlement or further occupancy will be

required. Upon the payment of such purchase price and patent fees, patent shall issue to such applicant or assignee.

"Sec. 7. All occupants and lessees of any of the lands provided to be sold by this act shall have the preference right until December 1st, 1899, and no longer, to purchase not to exceed four sections of such lands in accordance with the provisions of this act; provided, that all purchasers of public domain under the provisions of Chapter 11, Title LXXXVII, of the Revised Civil Statutes of 1895, who have complied with the terms thereof prior to May 23rd, 1898, in the matter of filing, having surveyed, paying the surveying and land office fees, and who shall pay the money into the State treasury for the land at the price fixed by law under which their applications to purchase were made within six months from the date this act shall take effect, shall be entitled to receive patent therefor as herein provided.

"Sec. 8. All proceeds from the sale of land mentioned in this act shall be paid into the State treasury and held by the State Treasurer in trust to await the adjustment of the account between the State and the free school fund, and if in such adjustment it shall be found that the school fund has not received its full portion of the public domain, then and in that event the said proceeds shall be applied to the permanent and available free school fund as now provided by law for the sale of school land.

"Sec. 9. Nothing herein contained shall be held to embrace lands submerged in the bays of this State, which are susceptible, or partially so, of development for commercial purposes.

"Sec. 10. All laws and parts of laws in conflict herewith are hereby repealed.

"Sec. 11. The importance of this legislation and the crowded condition of the calendar rendering it improbable that this bill can be read on three several days, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

POTTER, Chairman.

Committee Room,
Austin, Texas, April 11, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 317, being a bill to be entitled "An Act to amend Article 4323, of the Revised Civil Statutes of the State

of Texas, relating to the salary of the State Health Officer,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

DIBRELL, Chairman.

BILLS AND RESOLUTIONS.

By Senator Greer:

Senate bill No. 319, A bill to be entitled "An Act to incorporate the city of Beaumont, to grant it a special charter and fix its boundaries."

Read first time, and referred to Committee on Towns and City Corporations. Call concluded.

SPECIAL ORDER.

The Chair laid before the Senate, special order for this hour,

House bill No. 402, A bill to be entitled "An Act granting to the city of Austin a block of land within said city for public free school purposes."

Pending action, Senator Atlee moved that the bill be referred to a special committee of four, to be appointed by the President of the Senate.

Adopted, and the Chair appointed Senators Atlee, Davidson, Odell and Potter.

Senator Miller moved that pending business be suspended in order to take up

House bill No. 342, A bill to be entitled "An Act to incorporate the city of Dallas, and to grant it a new charter."

Pending action, Hon. N. A. Cravens, Private Secretary of the Governor, was announced, and the Chair laid before the Senate the following

EXECUTIVE COMMUNICATION.

To the Senate and House of Representatives.

I beg to herewith transmit a copy of a communication from Miss Elisabet Ney, of Austin, Texas, for such action as may be deemed proper in the premises.

The generosity of this lady is fully appreciated by me, and I trust that her proposition may meet with a cordial response at the hands of the Legislature.

JOSEPH D. SAYERS,
Governor.

(Copy.)

HYDE PARK,
Austin, Texas, March 7, 1899.

To His Excellency, the Governor, Senate and House of Representatives.

Some six years ago the Woman's Worlds Fair Association of Texas asked my assistance towards the realization of

their wishes to present the capitol at Austin with marble statutes of the Texas heroes, General Sam Houston and Stephen F. Austin. These statutes were first to adorn the Texas building at the World's Fair at Chicago.

Deeply touched by the beauty and justice of their desire, elated by the enthusiasm and aspirations of which this desire was born, I felt myself in unison with them and unhesitatingly agreed to dedicate my part of the contemplated work, the time and skill required to make the plaster models of the statutes.

The models were completed five years ago, but the association, after having made efforts during two years to raise the necessary funds for having the plaster models put into marble and placed in the capitol, abandoned it.

Thus it happened that since five years these two models in life size form stand, a useless gift of mine to Texas and its people, in the fragile material of plaster, buried in my studio, hitherto unknown to the State and the people at large, unfulfilling the mission to proclaim the gratefulness of Texas to her illustrious dead, the heroes of Texas independence; nor constituting an incentive for our young generations to noble strife and deeds.

And so I now desire to formally turn over to Texas what has been hers in fact since 1893. I therefore take pleasure in tendering, through you, to the people of Texas these two life-size models.

Owing to the fragile material of which they consist, they are not in permanent form, and should be allowed to remain in my studio until Texas shall see fit to put them in enduring marble.

The just care of an artist for his works to prevent the possibility of his works being disfigured when put in marble by a mere stone-cutter, however skillful he may be considered to be, demands that I should make the express condition that in case the models are put in marble after my death no artist of less renown in art centers than St. Gaudens of New York shall be entrusted with the work, and that the marble statutes shall be placed inside the capitol building.

Sincerely,

(Signed) ELISABET NEY.

Pending further consideration of Senator Miller's motion to postpone pending business and take up House bill No. 342,

Senator Stafford moved to recommit the bill to the Committee on Towns and City Corporations.

Senator Gough made the point of order that the motion was not in order at

this time, as Senator Miller's motion was simply to suspend pending business.

Sustained.

The motion of Senator Miller prevailed by the following vote:

Yeas—18.

Burns.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Potter.
Greer.	Sebastian.
Grinnan.	Stone.
Hanger.	Terrell.
James.	Wayland.
Lewis.	Yantis.

Nays—9.

Atlee.	Odell.
Davidson.	Patterson.
Johnson.	Ross.
Kerr.	Stafford.
Linn.	

* Absent.

Lloyd.	Turney.
Neal.	Yett.

The Chair laid before the Senate, upon its second reading,

House bill No. 342 (see caption above).

Senator Stafford renewed his motion to recommit the bill to the Committee on Towns and City Corporations.

Lost by the following vote:

Yeas—9.

Atlee.	Odell.
Davidson.	Patterson.
Johnson.	Ross.
Kerr.	Stafford.
Linn.	

Nays—18.

Burns.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Potter.
Greer.	Sebastian.
Grinnan.	Stone.
Hanger.	Terrell.
James.	Wayland.
Lewis.	Yantis.

Absent.

Lloyd.	Turney.
Neal.	Yett.

The bill was read a second time, and Senator Stafford moved to substitute the unfavorable minority report of the committee for the favorable majority report.

Lost by the following vote:

Yeas—9.

Atlee.	Kerr.
Davidson.	Linn.
Johnson.	Odell.

Patterson. Stafford.
Ross.

Nays—18.

Burns. McGee.
Dibrell. Miller.
Goss. Morriss.
Gough. Potter.
Greer. Sebastian.
Grinnan. Stone.
Hanger. Terrell.
James. Wayland.
Lewis. Yantis.

Absent.

Lloyd. Turney.
Neal. Yett.

By Senator Davidson:
"Amend in line 4, page 76, by striking out 'Governor of the State' and adding in place thereof 'mayor of the city of Dallas.'"

By Senator Atlee:
"Substitute for the amendment: On page 76, line 4, strike out the words 'Governor of the State' and insert in lieu thereof the following, 'city council.'"

The substitute was lost by the following vote:

Yeas—10.

Atlee. Linn.
Davidson. Odell.
Johnson. Patterson.
Kerr. Ross.
Lewis. Stafford.

Nays—16.

Burns. McGee.
Dibrell. Miller.
Goss. Morriss.
Gough. Neal.
Greer. Sebastian.
Grinnan. Stone.
Hanger. Wayland.
James. Yantis.

Absent.

Lloyd. Turney.
Potter. Yett.
Terrell.

The amendment (Davidson's) was then lost by the following vote:

Yeas—11.

Atlee. Odell.
Davidson. Patterson.
Johnson. Ross.
Kerr. Stafford.
Lewis. Yantis.
Linn.

Nays—16.

Burns. Grinnan.
Dibrell. Hanger.
Goss. James.
Gough. McGee.
Greer. Miller.

Morriss. Stone.
Potter. Terrell.
Sebastian. Wayland.

Absent.

Turney. Yett.

By Senator Davidson:
"Amend by adding in line 4, on page 76, after the word 'State' the following, 'with the advice and consent of the Senate.'"

By Senator Stafford:
"Substitute for the amendment: Amend Section 201 by striking out in line 4 the following, 'be appointed by the Governor of the State,' and insert in lieu thereof the following, 'shall be elected by the legally qualified voters of the city of Dallas.'"

Pending consideration, Senator Patterson moved that further action on the amendments and bill be postponed until tomorrow.

Motion lost by the following vote:

Yeas—7.

Atlee. Odell.
Johnson. Ross.
Kerr. Stafford.
Linn.

Nays—18.

Burns. McGee.
Davidson. Miller.
Dibrell. Morriss.
Goss. Patterson.
Gough. Potter.
Greer. Sebastian.
Grinnan. Stone.
Hanger. Terrell.
James. Wayland.
Lewis. Yantis.

Absent.

Lloyd. Turney.
Neal. Yett.

Question recurring on the substitute offered by Senator Stafford,

Senator Davidson made the point of order that the substitute was not germane to the amendment.

Not sustained.

The substitute (Stafford's) was lost by the following vote:

Yeas—11.

Atlee. Odell.
Davidson. Patterson.
Johnson. Ross.
Kerr. Stafford.
Lewis. Yantis.
Linn.

Nays—15.

Burns. Gough.
Dibrell. Greer.
Goss. Grinnan.

Hanger.	Potter.
James.	Sebastian.
McGee.	Terrell.
Miller.	Wayland.
Morriss.	

Absent.

Lloyd.	Turney.
Neal.	Yett.
Stone.	

BILLS SIGNED.

Pending action on the amendment of Senator Davidson, the Chair signed, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 223, "An Act to amend Article 4445, of the Revised Civil Statutes of the State of Texas, and to authorize railroad corporations to acquire new right of way for the purpose of shortening the line or reducing the grades."

Senate bill No. 245, "An Act to repeal an act to incorporate the town of Jacksonville, in Cherokee county, Texas, passed at the session of the Thirteenth Legislature."

Senate bill No. 45, "An Act to amend Article 4471, of Chapter 8, Title XCIV, of the Revised Civil Statutes of 1895, so as to permit railroad and other corporations having the right of eminent domain to enter upon and take possession of property sought to be condemned, pending litigation, upon the payment of the award of the commissioners appointed to appraise and costs, and the deposit of money sufficient to cover future costs and any additional damages that may be adjudged, and to repeal all laws in conflict herewith."

Senate bill No. 280, "An Act to change and fix the times of holding courts in the Fifty-fourth Judicial District, and to amend an Act passed at the Regular Session of the Twenty-sixth Legislature of Texas, being an act entitled 'An Act to change the times of holding courts in the Fifty-fourth Judicial District,' known as House bill No. 167 during its passage."

Senate bill No. 305, "An Act to transfer San Augustine county from the community to the district school system."

Senate bill No. 180, "An Act to create a more efficient road system for Wharton county and Lavaca county, in the State of Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, defining their powers and duties as such, and providing for the appointment of road overseers and their duties, and for the work-

ing of county convicts on the public roads of such counties, and providing for the payment of officers' fees and rewards and penalties for said convicts, and to provide for the summoning of teams for road work, and for an allowance for time of road service for the same, and fixing penalties for the violation of this act."

Senate bill No. 235, "An Act to amend Sections 7 and 137, 138, 139, 140, 141 and 142, of an act entitled 'An Act to grant a new charter to the city of El Paso,' approved March 2, 1889, and the acts amendatory thereof, relating to streets, alleys, sidewalks and other public improvements and the levy and collection of a tax to pay therefor, and fixing the time of holding elections."

House bill No. 204, "An Act to permit any insurance company organized and doing business on the mutual plan under the laws of any State of the United States, insuring against loss or damage resulting from burglary, robbery or any attempt thereat, and also insuring against the loss of money and securities in transportation when shipped by registered mail, to do business in the State of Texas."

HOUSE MESSAGES.

The following messages from the House were received:

Hall of the House of Representatives,
Austin, Texas, April 12, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 762, A bill to be entitled "An Act to amend Section 1 of an act passed by the Twenty-sixth Legislature of the State of Texas, and which went into effect on the 22nd day of March, 1899, entitled 'An Act to amend Subdivision 29, of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, so as to change the times of holding the district court in the Twentyninth Judicial District, except in Coryell county, and to extend the time of holding the court in the county of Erath.'"

Also Senate bill No. 283, A bill to be entitled "An Act to amend Section 37, of Article 22, Title IV, Revised Civil Statutes of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, relating to the Thirty-seventh Judicial District Court and the Forty-fifth Judicial District Court of Texas, in Bexar county, prescribing the jurisdiction thereof; fixing the time of holding said courts; providing for the election

of the judges thereof and of the district attorneys of the Thirty-seventh Judicial District; and to create the Fifty-seventh Judicial District of the State of Texas; to fix the time of holding court therein, and to prescribe the jurisdiction thereof; and to provide for the appointment of a district judge of said Fifty-seventh Judicial District; and to prescribe the time for holding the district courts of Bexar county of the Thirty-seventh Judicial District and the Forty-fifth Judicial District, and to define the jurisdiction thereof; and to repeal all laws and parts of laws in conflict therewith."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 12, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House bill No. 595, and has appointed the following Free Conference Committee: Childers, Robertson of Bell, Childs, Stewart, Garner.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN THE SENATE.

The above reported House bill No. 762, was read first time, and referred to the Committee on Judicial Districts.

Senator Atlee moved that the Senate adhere to its amendments to House bill No. 595 (reported above), and that the request of the House for a free conference be granted.

Adopted, and the Chair appointed Senators Atlee, Hanger, Patterson, Sebastian and Linn on the part of the Senate.

PENDING BUSINESS.

Resuming consideration of House bill No. 342, the amendment offered by Senator Davidson was lost by the following vote:

Ayes—11.

Atlee.	Odell.
Davidson.	Patterson.
Johnson.	Ross.
Kerr.	Stafford.
Lewis.	Yantis.
Linn.	

Nays—16.

Burns.	Grinnan.
Dibrell.	Hanger.
Goss.	James.
Gough.	McGee.
Greer.	Miller.

Morriss.
Potter.
Sebastian.

Stone.
Terrell.
Wayland.

Absent.

Lloyd.
Neal.

Turney.
Yett.

By Senator Lewis:

"Amend by striking out all of Section 201, on page 76, after the word 'departments,' in lines 31 and 32."

Pending action, Senator Patterson moved to adjourn until 3 o'clock this afternoon.

Senator Stafford moved to adjourn until 10 o'clock tomorrow.

Question being put on the longest time first, the motion to adjourn until tomorrow at 10 o'clock was lost by the following vote:

Yeas—9.

Atlee.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Lewis.	Stafford.
Linn.	

Nays—17.

Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Potter.
Goss.	Sebastian.
Greer.	Stone.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yantis.
McGee.	

Absent.

Neal.
Turney.
Yett.

The motion to adjourn until 3 p. m. prevailed by the following vote:

Yeas—14.

Atlee.	McGee.
Burns.	Odell.
Davidson.	Patterson.
Johnson.	Ross.
Kerr.	Sebastian.
Lewis.	Stafford.
Linn.	Stone.

Nays—12.

Dibrell.	Miller.
Goss.	Morriss.
Greer.	Potter.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yantis.

Absent.

Lloyd.
Neal.
Turney.
Yett.

Adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	McGee.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Lewis.	Wayland.
Linn.	Yantis.

Absent.

Gough.	Turney.
Lloyd.	Yett.
Patterson.	

PENDING BUSINESS.

The Chair laid before the Senate the pending business.

House bill No. 342 (the Dallas charter bill), action being on the amendment of Senator Lewis, to-wit:

"Amend by striking out all of Section 201, on page 76, after the word 'departments,' in lines 31 and 32."

Lost by the following vote:

Yeas—9.

Davidson.	Odell.
Johnson.	Ross.
Kerr.	Stafford.
Lewis.	Stone.
Linn.	

Nays—15.

Burns.	Miller.
Dibrell.	Morriss.
Goss.	Potter.
Greer.	Sebastian.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yantis.
McGee.	

Present—Not voting.

Neal.

Absent.

Lloyd.	Turney.
Patterson.	Yett.

PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Gough, absent, who would vote *nay*.

By Senator Atlee:

"Page 77, in lines 13, 14 and 15, strike out the following: 'and a freeholder therein of property assessed at the next preceding city assessment at not less than \$1000.'"

Lost by the following vote:

Yeas—9.

Davidson.	Odell.
Johnson.	Ross.
Kerr.	Stafford.
Lewis.	Yantis.
Linn.	

Nays—16.

Burns.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
McGee.	Wayland.

Absent.

Lloyd.	Turney.
Patterson.	Yett.

PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Gough, absent, who would vote *nay*.

By Senator Odell:

"Amend by striking out all after 'elected and qualified,' in line 4, page 7, of Section 9."

Lost by the following vote:

Yeas—9.

Davidson.	Odell.
Johnson.	Ross.
Kerr.	Stafford.
Lewis.	Yantis.
Linn.	

Nays—16.

Burns.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
McGee.	Wayland.

Absent.

Lloyd.	Turney.
Patterson.	Yett.

PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Gough, absent, who would vote *nay*.

By Senator Odell:

"Amend by striking out Sections 201 and 202 of the bill."

Lost by the following vote:

Yeas—10.

Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Lewis.	Stafford.
Linn.	Yantis.

Nays—16.

Burns.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
McGee.	Wayland.

Absent.

Lloyd.	Yett.
Turney.	

PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Gough, absent, who would vote *nay*.

HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives,
Austin, Texas, April 12, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 720, A bill to be entitled "An Act to amend Article 4002, Chapter 15, Title LXXXVI, of the Revised Civil Statutes, 1895, with reference to the collection of taxes in independent school districts incorporated for free school purposes only."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN THE SENATE.

The above reported House bill No. 720 was read first time, and referred to the Committee on Education.

PENDING BUSINESS.

Resuming consideration of House bill No. 342 (the Dallas charter bill), Senator Atlee offered the following amendment:

"Strike out Section 214, and insert in lieu thereof the following:

"Section 214. This act shall take effect and be in force from and after a date after its passage, to be fixed by the

qualified voters of the city of Dallas; and for the purpose of determining such date an election shall be held in the city of Dallas within ninety days after the passage of this act, and after thirty days notice of such election has been given, and the question submitted at such election shall be as follows: 'shall this act take effect;' and if a majority shall be in the affirmative then this act shall be in force from and after the date of such election."

Lost by the following vote:

Yeas—9.

Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Lewis.	Stafford.
Linn.	

Nays—16.

Burns.	Morriss.
Dibrell.	Neal.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
McGee.	Wayland.
Miller.	Yantis.

Absent.

Lloyd.	Yett.
Turney.	

PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Gough, absent, who would vote *nay*.

By Senator Lewis:

"Amend Section 119, page 41, line 30, by striking out all after the word 'bonds' and insert in lieu thereof the following, 'in lieu thereof with coupons attached bearing interest not less than the rate of the original bonds.'"

Ruled out of order for the reason that the House amendments (sent to the Senate as engrossed riders) contained the same substance matter.

By Senator Patterson:

"Amend by inserting the words 'city of Belton' after the words 'city of Dallas' wherever it occurs in the bill."

Ruled out of order.

Question recurring on the passage of the bill to a third reading,

Senator Stafford moved a call of the Senate.

Motion duly seconded, the following Senators answering to their names:

Atlee.	Greer.
Burns.	Grinnan.
Davidson.	Hanger.
Dibrell.	James.
Goss.	Johnson.

Kerr.	Potter.
Lewis.	Ross.
Linn.	Sebastian.
McGee.	Stafford.
Miller.	Stone.
Morriss.	Terrell.
Neal.	Wayland.
Odell.	Yantis.
Patterson.	

Absent.

Gough.	Turney.
Lloyd.	Yett.

SENATE BILL NO. 320.

By unanimous consent, Senator Lewis introduced the following bill:

By Senator Lewis:

Senate bill No. 320, A bill to be entitled "An Act requiring the county commissioners court of any county or city council of any incorporated city or town in the State to submit propositions for the issuance of bonds to a vote of the qualified tax-payers of such county or incorporated city or town, and to repeal the provisions of all city and town charters in conflict herewith."

Read first time, and referred to the Committee on Finance.

Senator Dibrell moved to excuse the absentees on House bill No. 342 (the Dallas charter bill).

Lost by the following vote (it requiring a two-thirds vote to excuse):

Yeas—16.

Burns.	Morriss.
Dibrell.	Neal.
Goss.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
McGee.	Wayland.
Miller.	Yantis.

Nays—9.

Atlee.	Odell.
Davidson.	Patterson.
Johnson.	Ross.
Kerr.	Stafford.
Linn.	

Absent.

Greer.	Turney.
Lloyd.	Yett.

REGULAR ORDER.

The Chair laid before the Senate, House bill No. 743, A bill to be entitled "An Act to name the several counties composing the Fifty-first and Thirty-third Judicial Districts, and to fix the times for holding the district courts therein, and to attach the unorganized county of Schleicher to the county of Menard until its organization, and to

repeal all laws and parts of laws in conflict herewith," action being on second reading.

Bill read second time.

By Senator Sebastian:

"Strike out the word 'fifth,' in line 19, page 2, and insert in lieu thereof the word 'fourth.'"

Adopted.

The bill as amended passed to a third reading.

On motion of Senator Sebastian, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed upon its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Potter.
Goss.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Lewis.	Wayland.
Miller.	Yantis.

Nays—1.

Patterson.

Absent.

Gough.	Turney.
Greer.	Yett.

The bill was read a third time, and passed by the following vote:

Yeas—24.

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Grinnan.	Potter.
Hanger.	Ross.
James.	Sebastian.
Johnson.	Stafford.
Kerr.	Stone.
Lewis.	Terrell.
Linn.	Wayland.
McGee.	Yantis.

Nays—1.

Patterson.

Absent.*

Gough.	Turney.
Greer.	Yett.
Lloyd.	

Senator Odell moved to adjourn until tomorrow morning at 10 o'clock.

Lost by the following vote:

Yeas—12.

Atlee.	Davidson.
Burns.	Goss.

Johnson.
Kerr.
Lewis.
Linn.

Odell.
Patterson.
Ross.
Stafford.

Nays—13.

Dibrell.
Grinnan.
Hanger.
James.
McGee.
Miller.
Morris.

Potter.
Sebastian.
Stone.
Terrell.
Wayland.
Yantis.

Absent.

Gough.
Greer.

Turney.
Yett.

The Chair laid before the Senate, upon its third reading,

House bill No. 459, A bill to be entitled "An Act to amend Articles 308 and 309, Chapter 4, Title V, Code of Criminal Procedure, Revised Statutes of 1895."

Pending consideration, Senator Dibrell moved to excuse the absentees on the Dallas charter bill.

Lost by the following vote:

Yeas—16.

Burns.
Dibrell.
Goss.
Grinnan.
Hanger.
James.
McGee.
Miller.

Morris.
Neal.
Potter.
Sebastian.
Stone.
Terrell.
Wayland.
Yantis.

Nays—9.

Atlee.
Davidson.
Johnson.
Kerr.
Linn.

Odell.
Patterson.
Ross.
Stafford.

Absent.

Gough.
Greer.
Lloyd.

Turney.
Yett.

Senator Davidson moved that the Senate adjourn until 10 o'clock tomorrow morning.

Lost by the following vote:

Yeas—14.

Hon. Jas. N. Browning, President.

Atlee.
Burns.
Davidson.
Goss.
Johnson.
Kerr.
Lewis.

Linn.
Neal.
Odell.
Patterson.
Ross.
Stafford.

Nays—13.

Dibrell.
Grinnan.

Hanger.
James.

McGee.
Miller.
Morris.
Potter.
Sebastian.

Stone.
Terrell.
Wayland.
Yantis.

Absent.

Gough.
Greer.
Lloyd.

Turney.
Yett.

House bill No. 459 (see caption above) read third time (in full at request of Senator Terrell) and passed.

Senator Morris moved that the absentees be excused on the Dallas charter bill.

Lost by the following vote:

Yeas—17.

Burns.
Dibrell.
Goss.
Greer.
Grinnan.
Hanger.
James.
McGee.
Miller.

Morris.
Neal.
Potter.
Sebastian.
Stone.
Terrell.
Wayland.
Yantis.

Nays—9.

Atlee.
Davidson.
Johnson.
Kerr.
Linn.

Odell.
Patterson.
Ross.
Stafford.

Absent.

Gough.
Lloyd.

Turney.
Yett.

Senator Davidson moved to adjourn until 10 o'clock a. m. tomorrow.

Lost by the following vote:

Yeas—12.

Atlee.
Burns.
Davidson.
Goss.
Johnson.
Kerr.

Lewis.
Linn.
Odell.
Patterson.
Ross.
Stafford.

Nays—15.

Dibrell.
Greer.
Grinnan.
Hanger.
James.
McGee.
Miller.
Morris.

Neal.
Potter.
Sebastian.
Stone.
Terrell.
Wayland.
Yantis.

Absent.

Gough.
Lloyd.

Turney.

Senator Dibrell moved to excuse the absentees on the Dallas charter bill.

Lost by the following vote:

Yeas—17.

Burns.	Morriss.
Dibrell.	Neal.
Goss.	Potter.
Greer.	Sebastian.
Grinnan.	Stone.
Hanger.	Terrell.
James.	Wayland.
McGee.	Yantis.
Miller.	

Nays—9.

Atlee.	Odell.
Davidson.	Patterson.
Johnson.	Ross.
Kerr.	Stafford.
Linn.	

Absent.

Gough.	Turney.
Lloyd.	Yett.

Senator Yantis moved that the absentees be excused on the Dallas charter bill.

Senator Linn moved that the Senate take a recess until 10 o'clock tomorrow morning.

Motion to take a recess lost by the following vote:

Yeas—12.

Atlee.	Lewis.
Burns.	Linn.
Davidson.	Odell.
Goss.	Patterson.
Johnson.	Ross.
Kerr.	Stafford.

Nays—15.

Dibrell.	Neal.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
McGee.	Wayland.
Miller.	Yantis.
Morriss.	

Absent.

Gough.	Turney.
Lloyd.	Yett.

Question recurring on the motion to excuse the absentees, the same was lost by the following vote:

Yeas—17.

Burns.	Morriss.
Dibrell.	Neal.
Goss.	Potter.
Greer.	Sebastian.
Grinnan.	Stone.
Hanger.	Terrell.
James.	Wayland.
McGee.	Yantis.
Miller.	

Nays—9.

Atlee.	Odell.
Davidson.	Patterson.
Johnson.	Ross.
Kerr.	Stafford.
Linn.	

Absent.

Gough.	Turney.
Lloyd.	Yett.

MOTION TO RECONSIDER.

Senator Davidson entered a motion to reconsider the vote by which the Senate finally passed

House bill No. 595, A bill to be entitled "An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following counties, or in any subdivision of said counties, viz.: Cooke, Bell, Ellis, Montague, Wharton, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Bexar, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Dallas, Austin and Brazos."

COMMITTEE REPORT.

By unanimous consent Senator Miller sent up the following committee report:

Committee Room,

Austin, Texas, April 12, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 319, being a bill to be entitled "An Act to incorporate the city of Beaumont, to grant it a special charter and to fix its boundaries,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report—Miller, Burns, James, Dibrell, Greer and Hanger.

MILLER, Chairman.

REGULAR ORDER.

The Chair laid before the Senate, on its second reading,

House bill No. 568, A bill to be entitled "An Act to create a more efficient road system for Wood county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts upon the roads of said county, and upon the county farms; and

to provide for the summoning of teams for road work, and for an allowance of time for road service for same; and fixing a penalty for a violation of this act; and to repeal all laws in conflict with this act, as to Wood county."

MOTION TO RECONSIDER.

Senator Burns entered a motion to reconsider the vote by which the Senate on yesterday finally passed,

Senate bill No. 286, A bill to be entitled "An Act to fix and define the limitation of time wherein suits for taxes may be brought, and to declare that taxes for the recovery of which suit is not brought within such time shall be conclusively presumed to have been paid, and to forbid any action therefor, and to repeal all laws and parts of laws in conflict herewith."

Senator Burns moved to adjourn until tomorrow morning at 10 o'clock.

Lost by the following vote:

Yeas—12.

Atlee.	Lewis.
Burns.	Linn.
Davidson.	Odell.
Goss.	Patterson.
Johnson.	Ross.
Kerr.	Stafford.

Nays—15.

Dibrell.	Neal.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
McGee.	Wayland.
Miller.	Yantis.
Morriss.	

Absent.

Gough.	Turney.
Lloyd.	Yett.

REGULAR ORDER.

House bill No. 568 (see above), was read second time, and passed to a third reading.

On motion of Senator Stafford, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed upon its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Johnson.
Burns.	Kerr.
Davidson.	Lewis.
Dibrell.	Linn.
Greer.	Morriss.
Grinnan.	Neal.
Hanger.	Odell.
James.	Patterson.

Ross.
Sebastian.
Stafford.

Stone.
Terrell.
Wayland.

Nays—3.

McGee.
Potter.

Yantis.

Absent.

Gough.
Turney.

Yett.

The bill was read a third time, and passed by the following vote:

Yeas—25.

Atlee.
Burns.
Davidson.
Goss.
Greer.
Grinnan.
Hanger.
James.
Johnson.
Kerr.
Lewis.
Linn.
McGee.

Miller.
Morriss.
Neal.
Odell.
Patterson.
Potter.
Ross.
Sebastian.
Stafford.
Stone.
Terrell.
Wayland.

Nays—1.

Yantis.

Absent.

Gough.
Lloyd.

Turney.
Yett.

Senator Greer moved to excuse the absentees on the Dallas charter bill.

Senator Linn moved that the Senate take a recess until tomorrow morning at 10 o'clock.

The motion of Senator Linn was lost by the following vote:

Yeas—13.

Atlee.
Burns.
Davidson.
Goss.
Johnson.
Kerr.
Lewis.

Linn.
Odell.
Patterson.
Ross.
Sebastian.
Stafford.

Nays—14.

Dibrell.
Greer.
Grinnan.
Hanger.
James.
McGee.
Miller.

Morriss.
Neal.
Potter.
Stone.
Terrell.
Wayland.
Yantis.

Absent.

Gough.
Lloyd.

Turney.
Yett.

Senator Davidson moved to adjourn until tomorrow morning at 10 o'clock.

Adopted, and the Senate adjourned.